

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

JIMMIE R. ROBINSON, SR.,

Petitioner,

v.

No.: 3:14-cv-235-PLR-CCS

DAVID SEXTON, Warden,

Respondent.

MEMORANDUM AND ORDER


This is a *pro se* petition for the writ of habeas corpus pursuant to 28 U.S.C. § 2254. The Clerk is hereby **DIRECTED** to serve copies of the petition and this Memorandum and Order upon the respondent and the Attorney General for The State of Tennessee.

Petitioner has filed a motion to hold his petition in abeyance until he has exhausted his state court remedies. Petitioner's state petition for post-conviction relief was denied by the trial court, the Tennessee Court of Criminal Appeals affirmed, and the matter is presently before the Tennessee Supreme Court on an application for permission to appeal. Petitioner contends that he will not learn of the decision of the Tennessee Supreme Court in time to file his habeas petition within the one-year statute of limitation and so has filed a protective petition prior to the exhaustion of his state remedies.

The Court finds the motion to stay [Doc. 3] well-taken and it is **GRANTED**. *See Palmer v. Carlton*, 276 F.3d 777, 781 (6th Cir. 2002) (acknowledging and approving the stay and abeyance procedure while a habeas petitioner pursues unexhausted claims in state court). This action is **STAYED IN ITS ENTIRETY** pending petitioner's exhaustion of his state court remedies. The respondent is **ORDERED** to inform the Court when the Tennessee Supreme Court issues its decision on petitioner's application for permission to appeal.

In addition, since it does not plainly appear from the face of the petition that it should be summarily dismissed, the respondent is hereby **ORDERED** to answer or otherwise respond to the petition within thirty (30) days from the date petitioner's state court remedies are exhausted. Rule 4 of the Rules Governing Section 2254 Cases In The United States District Courts.

ENTER :


UNITED STATES DISTRICT JUDGE